

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

LIU, *et al.*

Serial No.: 10/598,033

Filed: 16 August 2006

For: SUBSTITUTED AZOLE COMPOUNDS AND ITS
PREPARATION AND USE THEREOF

Confirmation No. 9375

Art Unit: 4161

Examiner: Zarek, Paul E.

Atty. Dckt: 034226M003

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Mail Stop: Amendment

Dear Sir:

This is in response to the Restriction Requirement mailed 21 August 2008, wherein the Examiner required a restriction of claims 1-9, to which the time for response was set to expire 22 September 2008 (the 21st was a Sunday). Reconsideration is respectfully requested.

Remarks begin on page 2 of this paper.

REMARKS

In the Office Action mailed 21 August 2008, the Examiner required a restriction of the claims into Groups I through XVIII as the Examiner deemed that the inventions of Groups I through XVIII do not relate to a single inventive concept.

Applicants hereby elect to prosecute the claims of Group II, without traverse. Group II is as follows:

Group II, claim(s) 1-5, and 7, drawn to a derivative of formula I wherein A₁, A₂, and A₃ are C, X₁ is CH, X₂ is O or S, and X₃ is NR_g.

Election of Species

The Examiner also required an election of species.

Applicants hereby elect Compound 2 as provided in Example 1 as the species. At least claims 1-5 and 7 are generic.

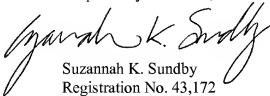
Applicants also reserve the right to pursue any subject matter canceled as a result of this requirement in a continuing application without prejudice or disclaimer.

CONCLUSION

This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. The right to file one or more divisional applications to the non-elected groups is respectfully reserved. Accordingly, reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to our **Deposit Account No. 02-4300**, Attorney Docket No. **034226M003**.

Respectfully submitted,



Suzannah K. Sundby
Registration No. 43,172

Date: 22 September 2008
SMITH, GAMBRELL & RUSSELL, LLP
1130 Connecticut Ave., NW, #1130
Washington, D.C. 20036
Telephone: (202) 263-4332
Fax: (202) 263-4352
ssundby@sgrlaw.com